REMARKS

Applicant thanks the Examiner for review of the present application, and appreciates the opportunity to conduct the interview on April 27, 2006.

The final Office Action of January 20, 2006, rejected all of the pending claims, Claims 1-31. The Office Action rejected Claims 1, 2, 4-7, 9, 10, 11, 12, 14-17, 19, 20, 21, 23, 24, 26, 27, 28, 30, and 31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,590,417 to Rydbeck (hereinafter "the Rydbeck patent") in view of U.S. Patent 5,666,661 to Grube et al. (hereinafter "the Grube patent"). Claims 3, 8, 13, 18, 22, 25, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Rydbeck patent in view of the Grube patent and in view of U.S. Patent 6,650,871 to Cannon et al. (hereinafter "the Cannon patent").

Applicant provides the following remarks in response to the rejections of the Office Action, requests reconsideration of the finality of the Office Action of January 20, 2006, and submits that the rejections of Claims 1, 11, 21, 24, and 28 over the cited references are respectfully traversed for the reasons which follow.

Summary of Interview

On April 27, 2006, Examiner Nhan T. Le and Christopher J. Gegg, attorney for Applicant, conducted a telephone interview. The discussion of the interview included an explanation of the specific distinct terms used in the claims of the pending application. In particular, and in relation to the claim limitations, it was discussed that the term "headset" in the present application is distinguished from a phone or mobile station (handset). Headset refers to a device which is mated with a phone or mobile station, i.e, a headset is mated with a handset, such as the wireless headset 102 mated with the phone 101 shown in Figure 1 of the present application.

The interview also included a discussion of the lack of disclosure of the Grube patent in view of the understanding of the distinctiveness between a headset and a handset and a discussion of a lack of teaching, suggestion, or motiviation to combine the Rydbeck patent and the Grube patent. The arguments presented on behalf of Applicant in the interview are the same as those described more fully below in writing, as requested by Examiner Le for further

consideration in view of a more complete understanding of the distinctiveness of the terms of the claim limitations. The graphical depictions provided below, while not presented as exhibits for the interview, were discussed during the interview, and requested by the Examiner for inclusion in this written response for further consideration.

REJECTIONS UNDER 35 U.S.C. § 103(A)

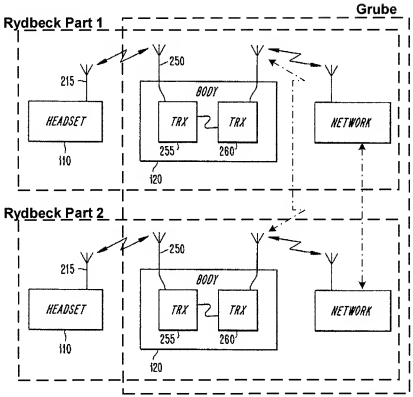
Applicant respectfully requests reconsideration of the finality of the Office Action of January 20, 2006, for lack of *prima facie* obviousness in view of a more complete understanding of the terms of the claim limitations in relation to the terms of the prior art. Applicant provides the following discussion of the lack of disclosure of the Grube patent and combination with the Rydbeck patent both to traverse the rejections of the pending Office Action and also to substantiate the incorrect interpretation of the claim limitations in view of an incomplete understanding of the claim terms which resulted in the rejections lacking a *prima facie* case of obviousness.

Lack of Disclosure for Prima Facie Obviousness

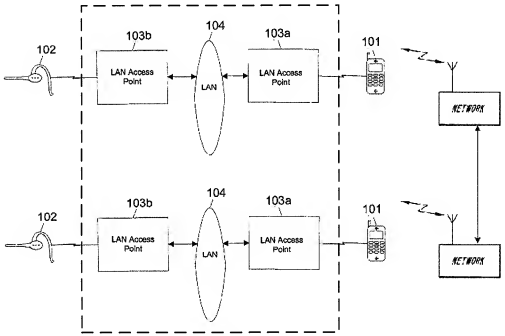
Applicant previously remarked in the Amendment of November 4, 2005, that "The Grube patent fails to disclose or suggest a plurality of access points as recited in Claim 1, or the corresponding operation of coupling each of a plurality of access points in Claim 11." This statement may have been more precisely stated as, the Grube patent fails to disclose or suggest a plurality of access points with an access point emulating a phone with a wireless headset and an access point emulating the wireless headset with the phone as recited in Claim 1, or the corresponding operation of coupling each of a plurality of headset- and phone-emulating access points in Claim 11. The claim limitations corresponding to the underlined descriptions above do not appear to have been fully appreciated by the prior Office Actions. The Responses to Arguments from the Office Action of January 20, 2006, merely noted that "Applicant argues that Grube fails to teach a plurality of access points." However, this representation of Applicant's previous remarks is incomplete, because it does not appreciate the nature of the emulations of the access points. And while the Responses to Arguments from the Office Action of January 20, 2006, stated "Grube teaches communications between access points pursuant to a second communications protocol while communications between the phone and a wireless-headset-

emulating access point and communications between the wireless headset and a phone-emulating access point...," Applicant respectfully notes that the nature of the access point emulations were misinterpreted as being taught by the Grube patent. Applicant agrees that the Grube patent teaches a plurality of access points, but Applicant disagrees that the Grube patent teaches access points as recited in Claim 1. The Grube patent does not teach access points capable of emulating a phone for communicating with a headset or access points capable of emulating a headset for communicating with a phone. As stated in Applicant's remarks from November 4, 2005, the Grube patent does not teach wireless-headset-emulating access points for communicating with a phone and does not teach phone-emulating-access points for communicating with a headset. The citation in the Office Action of January 20, 2006, to the Grube patent col. 2, lines 44-67 does not teach communications with wireless *head*sets or emulation of wireless *head*sets, but merely phone-to-phone communications. The Grube patent only describes the ability to extend the wireless range of like communication devices, such as two cellular phones, not different types of devices, such as, for example, a wireless headset and a handset. The Grube patent does not teach or suggest access points emulating different types of devices. Nothing in either the Grube patent or the Rydbeck patent teaches or suggests, or provides motivation to modify the system of either reference, to include an access point which emulates communications between a wireless headset. And the communication system described in the Grube patent is not described as being capable of communicating with a wireless headset, or any other non-phone-like communication device.

Even if the references were combined, one of ordinary skill in the art at the time of the invention would not have arrived at the claimed invention, but merely would have arrived at a system where two phones communicate either directly or through the communications system, where one or more phones would employ a wireless headset for the user to communicate with the phone. There is no teaching, suggestion, or motivation to modify the wireless connection between a headset and a phone of the Rydbeck patent with the system of the Grube patent, but merely to possibly modify communications between two phones of the Rydbeck patent. Provided below are graphical depictions to exemplify the difference between (a) the combination of the Grube patent and the Rydbeck patent and (b) an exemplary configuration of an embodiment of the present invention.



(combination of the Grube patent and the Rydbeck patent)



(exemplary configuration of an embodiment of the present invention)

A particular difference between the two graphical depictions shown above is the lack of the region highlighted in the box of the exemplary configuration of an embodiment of the present invention in the combination of the Grube patent and the Rydbeck patent. Rather, the headset 110 and handset 120 only communicate directly in the Rydbeck patent, but the headset 102 and handset 101 in the present invention communicate through intermediate access points emulating the other device when the headset and handset are separated beyond a direct communication distance limit.

Lack of Teaching, Suggestion, or Motivation to Combine Rydbeck and Grube

Each Office Action has stated that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Grube into the system of Rydbeck in order to maintain the wide range communication link between the devices." In the first Amendment filed June 11, 2004, Applicant asserted disagreement that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of the Grube patent into the system of the Rydbeck patent to arrive at the claimed invention. This argument of lack of obviousness has not been addressed, and the subsequent Office Action of October 13, 2004, merely attempted to equate the "communication units" of Grube with a parenthetical stating "ie. mobile objects such as headset or handset" without any support or explanation. The issue of motivation to combine has not otherwise been addressed or discussed since 2004.

Applicant re-asserts the contention that no Office Action has explained the obviousness assertion and submits that there is a lack of teaching, suggestion, or motivation to combine the Rydbeck patent and the Grube patent to arrive at the claimed invention. First, Applicant asserts that there is no teaching or suggestion in either the Rydbeck patent or the Grube patent for the combination. The Rydbeck patent does not address a need or concern for extending the wireless range of a headset.[1] Rather, the invention of the Rydbeck patent is related to addressing the ability to remove the wired connection between a headset and a handset and is not expressly or

[1] It is noted that the Office Action has slightly misinterpreted, or at least misstated, the teaching of the Rydbeck patent. Specifically, the Office Action states that the Rydbeck patent "teaches a communication system, a system for extending the range of a wireless headset." However, the Rydbeck patent only teaches using a wireless headset to change the manner of connection between a headset and a handset. The Rydbeck patent does not teach a system for *extending* the range of a *wireless* headset.

indirectly related to extending the range between a handset and a headset. The Grube patent only discloses communications between wireless phones ("communication units"). Nothing in the Grube patent teaches or suggests anything related to communications with wireless headsets. Nothing in either the Rydbeck patent or the Grube patent teaches or suggests that a headset could communicate with anything other than directly with its corresponding handset. More particularly, nothing is taught or suggested that an access point would be used to communicate with a headset.

Second, Applicant asserts that there is no motivation to combine the Rydbeck patent and the Grube patent to arrive at the claimed invention. The Rydbeck patent only teaches using a wireless headset to change the manner of connection between a headset and a handset. The Rydbeck patent does not teach or suggest a system for extending the range of wireless communications with a wireless headset. The statement in the Office Action of January 20, 2006, that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Grube into the system of Rydbeck in order to maintain the wide range communication link between the devices" does not appropriately address the nature of the disclosure of the Rydbeck patent, such that the headset-handset devices of the Rydbeck patent are not contemplated as having or needing to maintain a "wide range communication link," and that only the communications between two phones of the Rydbeck patent would relate to a wide range communication link.

Only through hindsight would one of ordinary skill in the art combine and modify the system of the Rydbeck patent with the system of the Grube patent to arrive at the claimed invention. Rather, without hindsight and as described and depicted above, one of ordinary skill in the art at the time of the invention would have merely arrived at a system where two phones communicate either directly or through access points of a the communications system, and where one or more of the phones would employ a wireless headset for the user to communicate with the phone. But it is not obvious from the combination to extend the wireless communications between the phone and the headset. Neither the Rydbeck patent nor the Grube patent teaches or suggests, or presents problems in the art to provide motivation for, a modification to arrive at a system to extend the wireless range of a headset. There was no apparent need in the art and no apparent benefit to such a modification of the Rydbeck patent. There is no teaching, suggestion, or motivation to modify the wireless connection between a headset and a phone of the Rydbeck

patent with the system of the Grube patent, but merely to modify communications between two phones of the Rydbeck patent.

Further, the Grube patent only describes the ability to extend the wireless range of *like* communication devices, such as two cellular phones, not different types of devices, such as, for example, a wireless headset and a handset. As such, the Grube patent does not teach or suggest the concept of extending the wireless range of a communication device by access points *emulating* different types of devices. Nothing in either the Grube patent or the Rydbeck patent teaches or suggests, or provides motivation to modify the system of either reference, to include an access point which *emulates* communications between a wireless headset, or any other communication device other than a wireless phone. And the communication system described in the Grube patent would not be capable of communicating with a wireless headset, or any other non-phone-like communication device. This is specifically contrary to a statement in the present Office Action which incorrectly states that "Grube teaches communications between access points pursuant to a second communications protocol while communications between the phone and a wireless-headset-emulating access point and communications between the wireless headset and a phone-emulating access point are carried out pursuant to the first wireless communication protocol." The Grube patent does not teach a wireless-headset-emulating access point or, for that matter, a wireless headset.

Accordingly, independent Claims 1, 11, 21, 24, and 28, and the claims dependent thereon, are believed to be in condition for allowance. Reconsideration for allowance of these claims is, therefore, respectfully requested. Applicant submits that the remarks presented above overcome the § 103(a) rejections of the Office Action of January 20, 2006.

Conclusion

In view of the remarks presented above, Applicants submit that all of the pending Claims 1-31 of the present application are in condition for allowance. Accordingly, entry of the amendments and allowance of the application are respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper, such as the fees for a request for an extension of time. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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